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LABOUR & EMPLOYMENT DEPARTMENT

NOTIFICATION

The 25th November 2008

No.12054-LL-I-(AR) 59/2008/LE.—The following draft of certain rules further to amend the Orissa Payment of Wages Rules, 1936 which the State Government propose to make in exercise of the powers conferred by section 26 of the Payment of Wages Act, 1936 (Act No. IV of 1936) is here by published in the *Orissa Gazette* as required by sub-section (5) of the said section for information of all persons likely to be affected thereby; and notice is hereby given that the draft will be taken into consideration by the State Government on or after expiry of a period of ninety days from the date of publication of this notification in the Official Gazette.

Any objection and suggestion which may be received from any person in respect of the said draft before the expires of period so specified will be considered by the State Government.

DRAFT

1. (1) These rules may be called the Orissa Payment of Wages (Amendment) Rules, 2008.
(2) They shall come into force on the date of their publication in the *Orissa Gazette*.
2. In the Payment of Wages Rules, 1936 (here in after referred to as the said rule), for rule 3, the following rule shall be substituted, namely:-
 3. (1) "In any factory in respect of which the employer has obtained approval under sub-section (1) of section 8 to a list of acts and omission in respect of which fines may be imposed the pay master shall maintain a Combined Register of Fines deduction for damage or loss and advance in Form-I".

(2) At the beginning of the Combined Register of Fines deduction for damage or loss and advances there shall be entered serially numbered the approved purpose or purposes on which the fines realized are to be extended.

(3) When any disbursements are made from the fines realized, a deduct entry of the amount so expenses shall be made in the Combined Register of Fines deduction for damage or loss and advances, and a voucher or receipt in respect of the amount shall be affixed to the Register. If more than one purpose has been approved the entry of the disbursement shall also indicate the purpose for which it is made.

3. In the said rule, for rule 4, the following rule shall be substituted, namely:—
“4. In every factory in which deduction for damage or loss and advances are made the pay master shall maintain a Register required by sub-section (2) of section 10 in Form- I”.
4. In the said rules, in rule 17, in sub-rule (3), for the word numerical “Form-III”, the “Form-I” shall be substituted.
5. In the said rules, in rule 18, for the words and figures “Chief Inspector of Factories” and “15th of February” appearing therein the following shall respectively be substituted, namely:- “Inspector” and “31st March”.
6. In the said rules, for Form “I”, the following Form shall be substituted, namely:—

“Form I

[See rule 3(1),4, and 17 (3)]

.....”

7. In the said rules, “Form-II” and “III” shall respectively be omitted.
8. In the said rules, for Form “IV”, the following Form shall be substituted, namely:—

“Form IV

(See rule 18)

.....”

“Form-I”**Combined Register of Fines, Deductions for Damage or Loss and Advances**

In lieu of

1. Form No.I.II of Rule 21 (4) of Orissa Minimum Wages Rules, 1954.
2. Form No. XVII, XVI, XVIII of Rule, 78 (d) (fine), 77 (22) (d) (dedu.), 77 (2) (d) (adv.) of Orissa Contract Labour (R & A) Rules, 1975.
3. Form No. I, II, III under Rule 3 (1) (fine), 4 (deductions) and 17 (3) (advances) of Orissa Payment of Wages Rules, 1936.
4. Form XIX, XX, XXI of Rule 52 (2) C of Orissa I.S.M.W (RE & CS) Rules, 1980.
5. Form XX, XIX and XXI under Rule-239 (1) (b) of Orissa Building other Construction Workers (RE & CS) Rules, 2002.

Sl. No.	Name of the Employee / Father's / Husband's name	Designation Emp. No./ Sl. No. in register of employees	Nature & date of offence for which fine imposed	Date and particulars of damages/ loss caused	Whether worker showed cause against fine or deductions	Amount of the fine imposed/ deduction made	Date & purpose for which advance was made	Amount of advance made & purpose thereof.	No. of instalments granted for repayment of fines/ deductions/ advances	Wages period and rate of wages payable	Date of recovery of fine/deduction/ advance		Remarks
											First Installment	Last Installment	

Signature of the Employer/Principal Employer/Authorized signatory

[see rule 32]

COMBINED ANNUAL RETURNS

In the Lieu of

(i) Form-21, Rule - 101(I) Orissa Factories Rules, 1950

(ii) Form XX, Rule - 81 (I) Form XXI, Rule-81(2) Orissa Contract Labour (R&A) Rule-1975

(iii) Form-III, Rule-21 (4-A) Orissa Minimum Wages Rules - 1954

(iv) Form-IV, Rule-18, Orissa Payment of Wages Rules-1936

(v) Form 'D', Rule-5, Payment of Bonus Rules, 1975 (Central)

(vi) Form 13, Rule-28, Orissa Shops and Commercial Rules - 1958

(vii) Form XIII, Rule-39, Orissa Motor Transport Workers Rules, 1966

(viii) Form L, Rule-16, Orissa Maternity Benefit Rules, 1966

(ix) Form 'V', Rule-8,O.I.E (N&A) II Rules, 1972

(x) Form XXV, Rule 240, Orissa Building and Other Construction Workers (RECS), Rules-2002

(xi) Form XXIV, Rule 56(2) of Orissa InterState Migration Workers (RECS) Rules, 1980

A. GENERAL PARTICULARS -

1(a) Name and full address of the Factory / Establishment (including Building and Other Construction of Work / Motor Transport undertakings)

	Factory / Establishment	Regd./Administrative/Head Office
Name		
Address		
Tel :-		
Fax:-		
E-mail:-		
Website:-		

(b) Name and Residential address of the Proprietor / Partner / Directors / Employer/ Principal / Employer / Occupier. (tick which ever is applicable).

Sl. No.	Name Father's Name	Designation	Residential Address	Tel./Mobile/E-mail

(c) **Name and Residential Address of the Person responsible for the day to day conduct and control of business.**

Name	Residential Address	Tel/Mobile/E-mail

(d) **Name and Residential address of the occupier and Mgr. As named under the Factories Act, 1948.**

Sl. No.	Name	Designation	Residential Address	Tel/Mobile/E-mail

2. **Date of commencement of Manufacturing/Business/Estt./Factories/Construction of Works.**

2(A) **Nature / Type of Industries /Estts.**

2(B) **Particulars of Products Manufactured/Services Rendered.**

Name of the Product/Services	Annual Installed capacity	Quantity Manufactured	Percentage achieved	Value

3. **Registration and License**

Regn. No. License No.

- (a) Factories Act, 1948
- (b) Contract Labour (R&A) Act, 1970
- (c) O.S and C.E. Act, 1956
- (d) ISMW (R&CE) Act, 1979
- (e) M.T.W. Act, 1961
- (f) Building and Other Construction Workers (RECS) Act, 1996

4. **No. of Workmen / employees/ employed.**

Sl. No.	Category	Male	Female	Adolescent/ Adult	Child	Total No. of Employees
1	Un-skilled					
2	Semi-skilled					
3	Skilled					
4	Highly skilled					
5	ITI / Diploma					
6	Degree-Engg.					
7	Executive					
8	Probationer / Trainees					

5. Particulars of Employment / Payment in Factories / Estts. / Motor Transport Undertakings / Building Construction of Work.

a)

No. of Person on Roll as on 1 st January	No. of Person on Roll as on 31 st December	No. of days Factory / Estt/Building & Other Construction Works / Carried on	No. of days Factory/Estt/ Closed	No. of Mandays worked during the year	No. of man-hours worked including O.T. during the year	Total Amount of salary / wage paid including O.T. wages & allowances

b) Average Number of Employment during the year :—

Men	Women	Total

C) No. of employees discharged/dismissed/terminated/retrenched/resigned or retired during the year.

Men	Women	Total

In respect of Minimum Wages & Payment of Wages etc.

6. Particulars of deduction made from salary (wages) under M.W. and P.W. Act.

	No. of Employees involved	Total Amount of deduction made
1 Fines		
2 Damages / Loss		
3 Breach of Contract		
4 Others		
5 Total		

**In respect of the Factories Act / Orissa Shops & Commercial Establishment Act, 1956/
Orissa Industrial Establishment (National & Festival) Holidays Act, 1972.**

7. Particulars of Earned Leave with Wages / National Festival Holidays with Wages.

Total No. of Persons employed		No. of Employees eligible for Earned Leave	No. of employees availed/granted Earned Leave	No. of employees paid wages/ salary in lieu of Earned Leave	No. of Person who were paid wages for the NFIT (separate figure for each day may be furnished)
1. Man					(i) 26th January (ii) 1st May (iii) 15th August (iv) 2nd October (v) (vi) (vii) (viii)
2. Woman					

In respect of Payment of Bonus

8. Payment of Bonus paid during the year

Name of the Accounting year	Total No. of employees	No. of Employees eligible for Bonus	Percentage of Bonus / Exgratia declared	Total amount of Bouns / Exgratia paid	Date of Payment
1	2	3	4	5	6

Relating to the Factories Act

9. Does the Factory carry on hazardous process under section-2(cd) dangerous operation u/s. 87 of Factories Act. 1948.

If Yes..... Yes / No

- (i) Whether Health and Safety Policy prepared and published Yes / No
- (ii) Whether occupational Health Centre provided Yes / No
- (iii) Whether Medical Officer appointed Yes / No
- (iv) Whether Ambulance Van provided Yes / No
- (v) Average no. of persons employed daily in hazardous process / dangerous operation Yes / No

10. Safety and Welfare Officers:—**(a)**

	No. of Officers required to be appointed	No. of Officer actually appointed
(i) Safety Officers as per Sec-40(B) of Factories Act.		
(ii) Welfare Officers as per Sec-49 of the Factories Act.		

(b) Whether the following Welfare measures are provided ?

(i)	Ambulance Room as per Sec-45(A)	Yes / No
(ii)	Canteen as per Sec-46(l)	Yes / No
(iii)	Whether the canteen is run departmentally or through contractor departmentally / Contractor	
(iv)	Creche as per Sec- 48(i)	Yes / No
(v)	Shelters, Rest Rooms and Lunch Room as per Sec-47(l)	Yes / No

11. Particulars of Accidents, Man's days lost and others: —

(i)		Total no. of accidents that have taken place in the year.
(ii)		Number of employees involved in such accidents:- (a) Male (b) Female
(iii)		Total number of man' days lost in such accident
(iv)		No. of employees returned to work within 48 hours of the accident
(v)		No. of employees returned to work after 48 hours of the accident (Reportable accident)
	(a)	Without Permanent /Partial/ Total Disablement
	(b)	With Permanent / Partial / Total Disablement
(vi)		Number of employees involved in accidents with either immediately or later within 7 days resulted in death.

Maternity Benefit Act,

12	(a)	Rating to Maternity Benefits :-
(i)		Total no. of women workers who worked for a period of 160 days in the last 12 months immediately preceding the date of delivery.
(ii)		No. of women workers discharged / dismissed in the last 12 months.
(iii)		No. of women worker for whom pre-natal confinement and post-natal confinement.
(iv)		No. of women workers died.

		(a)	Before delivery -
		(b)	After delivery -

(b) **Leave / additional leave details : —**

Item	No. of women applied for leave	Leave sanctioned	Leave reject
(i) Mis-carriage			
(ii) Illness (additional leave under sec-10)			

(c) **Maternity Benefit Paid : —**

Item	No. of claim received	No. of leave sanctioned	No. of claims rejected	Total benefit paid in rupees
(i) Confinement				
(ii) Mis-carriage				
(iii) Illness				
(iv) Medical Bureaus				

Rating to Contract Labour (R&A) Act

13 (a) Contractor Labour

Name & Address of the Contractor / Contractors	Period of contract From / To	Nature of work/ operation in which contract labour were employed Dept. / Section	No. of person employed	Maximum no. of contract workman employed on any day during the year	No. of days worked	No. of man days worked
(i)						
(ii)						
(iii)						
(iv)						
		Total				

(b) **Whether contract has provided ?**

(i) Canteen	Yes / No.
(ii) Rest Room	Yes / No.
(iii) Drinking Water	Yes / No.

(iv)	Creche	Yes / No.
(v)	First Aid	Yes / No.
(vi)	Remarks	Yes / No.

Relating to Building and Other Construction Workers (RE & CS) Act.

14. Particulars of accident that took place during the year:-

(i)	The total No. of accident.
(ii)	The number of accidents resulting in disablement of building workers for less than 48 hours, the number of building workers involved and the number of man-days lost.
(iii)	The number of accidents resulting in disablement of building worker beyond 48 hours, but not resulting in any permanent partial or permanent total disablement, the number of building workers involved, and the number of man-days lost on account of such accident.
(iv)	The number of accidents resulting on permanent partial or total disablement, the number of building workers involved and the number of man-days lost on account of such accident.
(v)	The number of accident resulting in deaths of building workers and the number of resultant deaths.

15. INTER-STATE MIGRANT WORKMENT (RE & CS) ACT,

In respect of Principal Employer :

(i) Number of contractors who worked in the establishment during the year with details.

Name & Address of the Contractor	Period of Contract		Nature of work	Maximum number of workers supplied by each contractor	No. of days worked	No. of man days worked
	From	To				

16. Beedi and Cigar Workers (Condition of Employment) Act, 1966:-

(i) Average number of employees employed daily in the Industrial Premises :-

Men

Women

Young person

Male

Female

- (ii) Average monthly number of home workers employed (i.e. who work in their homes)
- (iii) Number of days worked in the year in the industrial establishment.
- (iv) No. of employees who were granted leave during the calendar year.
 - Young persons
 - (a) employees in the Industries Premises.
 - (b) employees in home.
 - Other than young Persons
 - (a) employees in the Industrial Premises
 - (b) employed in home
- (v) Number of female employees who were given maternity benefit during the year
 - (a) employees in the Industrial Premises
 - (b) employed in home "

By order of the Governor

GUNANIDHI JENA

Deputy Secretary to Government